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#IV2238125

INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
IV 2238125

Subject: **Ivan Moreno #[redacted] Deputy Sheriff**

Date: **January 24, 2009**

Location: **Mount Gleason Ave. and Foothill Blvd. Sunland, CA**
[redacted] Ellenbogen St. Sunland, CA
[redacted] Denivelle Rd. Sunland, CA

ALLEGATIONS

It is alleged that Subject Moreno, while off duty, and intoxicated, discharged his firearm from his moving vehicle. It is also alleged that Subject Moreno was uncooperative with Police Officers from the Los Angeles Police Department.

The potential Manual of Policy and Procedures Violations are: 3-01/030.05, General Behavior, 3-01/030.06, Disorderly Conduct, 3-01/030.10, Obedience to Laws, Regulations, and orders.

SYNOPSIS

On January 24, 2009, at approximately 2307 hours, the Los Angeles Police Department's Foothill Division received a call that a possible assault occurred in the area of Mount Gleason Avenue and Foothill Boulevard. The caller, a man by the name of [redacted] stated that he had observed a vehicle traveling at a high rate of speed, and an occupant of the vehicle shot at an unknown address. Mr. [redacted] described the vehicle as a brown "Infinity G35" four door sedan. He stated that the vehicle was last seen traveling "towards mountains from Mount Gleason Ave."

Several patrol officers responded to the scene and began searching the area for possible victims or suspects. At approximately 2325 hours, the Foothill division received another call of "shot fired." The caller, a man by the name of [redacted] stated that he had heard two shots, and heard an unknown vehicle leaving the area.

> **IAB Note:** Mobile Digital Printouts containing the incident details of the two calls are included in this case book. See **Exhibit I**. Area and neighborhood maps are also included. See **Exhibit G.**

Officers [redacted] and [redacted] (Witness [redacted] and Witenss [redacted] Unit 16X36 began searching the area of Denivelle Street, west of Mount Gleason Ave. As they traveled west on Denivelle Street, the officer's saw a dark colored sedan parked on the

south side of the street. As they passed the vehicle they saw two Hispanic males sitting inside the vehicle. They also observed that the vehicle was an "Infinity," thus fitting the description given by Mr. [redacted]

The officers conducted a U-turn and positioned their patrol vehicle behind the suspect's vehicle. Simultaneously, both passengers exited the vehicle, at which point the officers detained them at gunpoint. The officers ordered both men to get down on the ground, and they complied. The officers requested backup, and the two men were subsequently handcuffed and detained.

After placing the suspects, Identified as Subject Moreno, and [redacted] (Witness [redacted] in separate patrol vehicles, Witnesses [redacted] and [redacted] inspected the vehicle. The officers saw that the vehicle contained a firearm (Heckler and Koch .45 Caliber Semi-Automatic Pistol, Serial Number [redacted] belonging to Subject Moreno) which was lying on the front passenger floor board. They also observed three spent .45 Caliber casings within the vehicle. One casing was found on the front passenger floor board, and one was found on the front passenger seat. The third casing was recovered from the right rear floor board. Two live rounds were found in Subject Moreno's firearm.

> **IAB Note:** The firearm, "Heckler and Koch USP .45 Caliber Pistol," (**Exhibit F, Pages 1 and 2**) has a nine round capacity. It holds eight rounds in the magazine, and one in the chamber.

The officers observed blood on the front seat, rear seat, and gear shift. There was also blood on the cloth around the vehicle's sunroof. Subject Moreno had blood on his pants, and a cut on his left palm. The handling officers determined that the firearm belonged to Subject Moreno. They attempted to speak with Subject Moreno, but he was verbally uncooperative, telling the officers "Fuck you," and other profanities.

While at the scene, another officer, Witness Officer [redacted] obtained a statement from Subject Moreno. Subject Moreno stated that Witness [redacted] was driving his vehicle, took possession of his firearm without permission, and discharged the weapon into the air. He further stated that he himself had not fired the gun. Witness [redacted] completed an "Investigative Action/Statement Form, and provided it to the handling officer, Witness [redacted] (**Exhibit A, Page 4.**)

> **IAB Note:** While at the scene the officers took photographs of Subject Moreno's vehicle, and his firearm. They subsequently took photographs of Subject Moreno and [redacted] See **Exhibit F**.

The officers arrested both individuals, and they were transported separately to the Foothill Division for booking. Officers [redacted] and [redacted] transported Subject Moreno. While being transported, Subject Moreno continued using profanities towards the officers. He also threatened them by saying, "Next time I'm going to fuck you up. I'm going to fuck you up and you too." Upon arriving to the station, the officers told Subject Moreno to exit the

vehicle. Subject Moreno told them, "Fuck you, you're going to have to pull me out." Subject Moreno eventually exited the vehicle, after being told to by the officers supervisor.

While at the station the officers conducted a Gunshot Residue (GSR) test on both suspects. They also obtained the suspects' Blood Alcohol Content utilizing the "Breathalyzer." Both suspects were then placed in the same interview room, where their conversation was surreptitiously recorded. While in the interview room, Subject Moreno made several statements regarding the incident, which caused the officers to form the opinion that Subject Moreno had discharged the firearm, and not Witness [redacted]

IAB Note: The "Analyzed Evidence Report," regarding the Gunshot Residue is included in this case book. The results were "inconclusive." See **Exhibit E**. Subject Moreno's Blood Alcohol Content results are also included in this case book. The results indicate that Subject Moreno's Blood Alcohol Content was .22. See **Exhibit D**. The Los Angeles Police Department provided the recorded conversation between Subject Moreno and Witness [redacted] A Compact Disc containing that recording is included in this case book. See **Exhibit H**. The recording is approximately 27 minutes long. At certain times it is difficult to discern what is being said by Subject Moreno and Witness [redacted] Portions of the recording were discussed with Subject Moreno during his interview with Internal Affairs Bureau Sergeant Carlos Flores and Scott Graham.

The officers subsequently booked Subject Moreno for "Discharging a firearm within city limits," in violation of Penal Code Section 246.3. Witness [redacted] was arrested for "Driving While Under Influence."

IAB Note: The officer's Arrest Reports are included in this case book. See **Exhibit's A and B.**

After his booking, Subject Moreno initiated a complaint against the arresting officers. Los Angeles Police Department Sergeant [redacted], interviewed Subject Moreno regarding his complaint. Subject Moreno complained that the officers failed to place the seat belt on him when he was arrested, which caused him to strike his nose on the police vehicle's plexiglass divider. He said the incident caused his nose to bleed. Sergeant [redacted] asked Subject Moreno regarding the blood found inside his (Subject Moreno's) vehicle, and Subject Moreno said he did not remember bleeding prior to his arrest. Subject Moreno admitted to being very intoxicated at the time of his arrest.

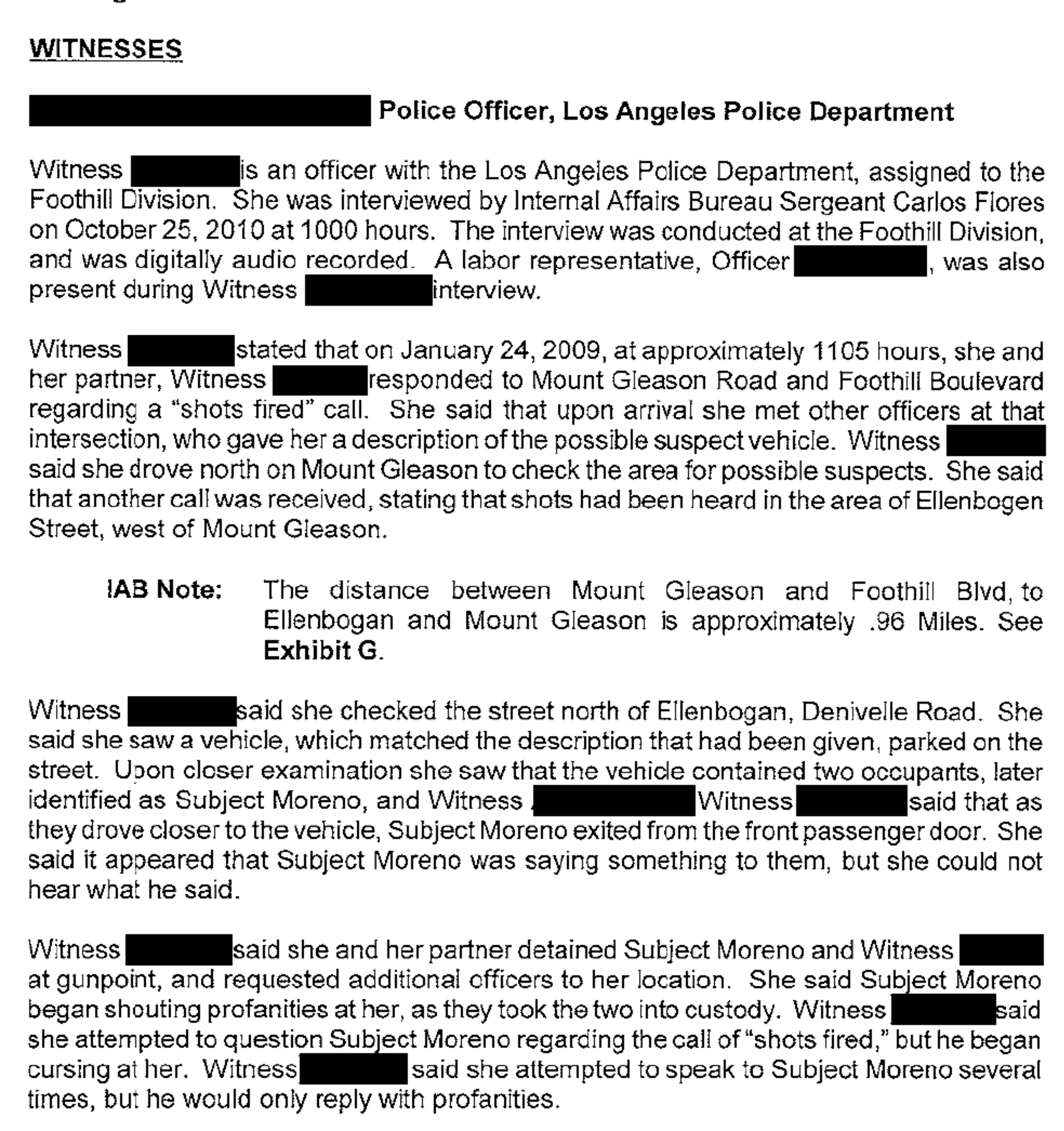
IAB Note: Sergeant [redacted] report, and recorded interview with Subject Moreno is included in this case book. See **Exhibit J**.

Foothill Division Detective, [redacted] (Witness [redacted] was assigned the case, and he conducted his investigation. He subsequently presented the case to the District Attorney's Justice System Integrity Division (JSID) for filing consideration. On October 7,

2010, the District Attorney's Office declined to file charges against Subject Moreno, citing "Insufficient Evidence" (**Exhibit K**).

The Internal Affairs Bureau was requested to complete an administrative investigation regarding the matter.

This is a summary based on statements given during audio recorded interviews by the subject and witnesses. For complete and detailed statements refer to the digital audio recorded files and the verbatim transcripts, which are included in this investigation.



<u>WITNESSES</u>

[redacted] **Police Officer, Los Angeles Police Department**

Witness [redacted] is an officer with the Los Angeles Police Department, assigned to the Foothill Division. She was interviewed by Internal Affairs Bureau Sergeant Carlos Flores on October 25, 2010 at 1000 hours. The interview was conducted at the Foothill Division, and was digitally audio recorded. A labor representative, Officer [redacted], was also present during Witness [redacted] interview.

Witness [redacted] stated that on January 24, 2009, at approximately 1105 hours, she and her partner, Witness [redacted] responded to Mount Gleason Road and Foothill Boulevard regarding a "shots fired" call. She said that upon arrival she met other officers at that intersection, who gave her a description of the possible suspect vehicle. Witness [redacted] said she drove north on Mount Gleason to check the area for possible suspects. She said that another call was received, stating that shots had been heard in the area of Ellenbogen Street, west of Mount Gleason.

> **IAB Note:** The distance between Mount Gleason and Foothill Blvd, to Ellenbogan and Mount Gleason is approximately .96 Miles. See **Exhibit G**.

Witness [redacted] said she checked the street north of Ellenbogan, Denivelle Road. She said she saw a vehicle, which matched the description that had been given, parked on the street. Upon closer examination she saw that the vehicle contained two occupants, later identified as Subject Moreno, and Witness [redacted] Witness [redacted] said that as they drove closer to the vehicle, Subject Moreno exited from the front passenger door. She said it appeared that Subject Moreno was saying something to them, but she could not hear what he said.

Witness [redacted] said she and her partner detained Subject Moreno and Witness [redacted] at gunpoint, and requested additional officers to her location. She said Subject Moreno began shouting profanities at her, as they took the two into custody. Witness [redacted] said she attempted to question Subject Moreno regarding the call of "shots fired," but he began cursing at her. Witness [redacted] said she attempted to speak to Subject Moreno several times, but he would only reply with profanities.

Witness [redacted] said she approached Subject Moreno's vehicle and observed a .45 Caliber firearm on the front floor board. She said she also saw three spent bullet casings, and several blood stains within the vehicle. She said that based on her observations, she arrested Subject Moreno for discharging a firearm within city limits. She additionally arrested Witness [redacted] for drunk driving.

Witness [redacted] said that she and her partner transported Subject Moreno to the station for booking. She said that while en route, Subject Moreno continuously threatened her and her partner by stating, "The next time I'm going to fuck you up." She said Subject Moreno threatened her several times, causing her to become concerned for her safety. Witness [redacted] said Subject Moreno did not identify himself as a peace officer until after they arrived at the station.

Witness [redacted] said that Subject Moreno and Witness [redacted] were placed in an interview room together, and their conversation was surreptitiously recorded (**Exhibit H**). She said that Subject Moreno said several things that strengthened her belief that it was Subject Moreno that had discharged the weapon, and not Witness [redacted]

Witness [redacted] said she authored an arrest report, detailing her investigation and the arrest of Subject Moreno (**Exhibit A**).

> **IAB Note:** During her interview, Witness [redacted] was shown several photographs (**Exhibit F**). She identified the photographs and stated that she and her partner, Witness [redacted] had taken them during their investigation. An area map printout was also shown to Witness [redacted] She identified the location of the initial call for service and Subject Moreno's arrest. See **Exhibit G**.

For her complete statement, refer to Witness [redacted] interview transcript.

[redacted] Police Officer, Los Angeles Police Department

Witness [redacted] is a Los Angeles Police Officer, assigned to West Valley Division. He was interviewed by Internal Affairs Bureau Sergeant Carlos Flores, on October 28, 2010, at 1229 hours. The interview was conducted at the West Valley Division, and was digitally audio recorded. A labor representative, Sergeant [redacted], was also present during Witness [redacted] interview.

Witness [redacted] said that on January 24, 2009, he was assigned to the Foothill Division. Witness [redacted] said that he and his partner, Witness [redacted] responded to the area of Mount Gleason Avenue and Foothill Blvd. regarding a "shots fired" call. He said that they met other officers at that location, and obtained a description of the possible suspect's vehicle. He said they then drove north on Mount Gleason, and heard an additional call of shots fired in the area of Ellenbogen Street. Witness [redacted] said they checked the area

of Denivelle Road, where they located a parked vehicle matching the given description.

Witness [redacted] said that as they passed the vehicle they saw that it contained two passengers, who were beginning to exit. He said they conducted a U-Turn, detained the two individuals at gunpoint, and requested backup via radio. Witness [redacted] said that the two suspects (identified as Subject Moreno and Witness [redacted] were handcuffed and placed in patrol vehicles. He said that immediately upon contacting the suspects, Subject Moreno became verbally abusive, saying, "Fuck you" and other profanities towards them.

Witness [redacted] said that he inspected the interior of Subject Moreno's vehicle and saw a firearm and spent casings. He said he also saw blood stains inside the vehicle, and on Subject Moreno's clothing. Witness [redacted] said he was not present when his partner attempted to speak to Subject Moreno, nor did he see other officers talking to him.

Witness [redacted] said that he and Witness [redacted] transported Subject Moreno to the Foothill Division for booking. He said Subject Moreno continued being verbally abusive, expressing profanities towards them, and even threatening them. He said that upon arrival to the station, Subject Moreno refused to step out of the vehicle, stating, "Fuck you, you're going to have to pull me out." Witness [redacted] said Subject Moreno eventually exited the vehicle, but only after a supervisor ordered him.

Witness [redacted] said Subject Moreno was subsequently booked for discharging a firearm within city limits. He said that during his booking, Subject Moreno apologized for his behavior, stating that he was just very upset. Witness [redacted] said this incident was his partners "handle," and she authored the arrest report (**Exhibit A**). He said the arrest report is an accurate account of what transpired during their contact with Subject Moreno.

IAB Note: During his interview Witness [redacted] was shown printed photographs (**Exhibit F**) of Subject Moreno, his firearm, and his vehicle. Witness [redacted] stated that he and Witness [redacted] had taken those photographs during their investigation.

For Witness [redacted] complete statement, refer to his interview transcript.

[redacted], Police Officer, Los Angeles Police Department

Witness [redacted] is a Los Angeles Police Officer, assigned to Commission Investigation Division. He was interviewed by Internal Affairs Bureau Sergeant Carlos Flores, on October 27, 2010, at 1020 hours. The interview was conducted at the Los Angeles Police Department's Headquarters Building, and was digitally audio recorded.

Witness [redacted] stated that in January of 2009, he was assigned as a station detective at the Foothill Division. He said that on the morning of January 25, 2009, he was assigned the case involving Subject Moreno. Witness [redacted] said he spoke with the handling officers who told him what had occurred. He said they also told him about Subject Moreno's behavior

during their contact with him. Witness [redacted] said he obtained the officer's reports (**Exhibit A**), and examined the booked evidence, including the photographs (**Exhibit F**). He said he also reviewed the recorded conversation between Subject Moreno and Witness [redacted] (**Exhibit H**).

Witness [redacted] said that when he was assigned the case, Subject Moreno had already been released from custody. He said he never interviewed Subject Moreno. Witness [redacted] said he later conducted an interview with Witness [redacted] He said Witness [redacted] was not very cooperative. He said Witness [redacted] told him he was driving Subject Moreno's vehicle due to Subject Moreno being intoxicated. He also told him that he (Witness [redacted] did not discharge any firearm into the air. Witness [redacted] said Witness [redacted] additionally told him that he did not observe Subject Moreno fire the weapon, nor did he hear any gunshots while driving Subject Moreno's vehicle. Witness [redacted] said Witness [redacted] told him he did not know how Subject Moreno sustained the injury to his hand and face.

Witness [redacted] stated that at the conclusion of his investigation, he agreed with the patrol officer's assessment that Subject Moreno had discharged the firearm into the air. He additionally said it was very possible that both Subject Moreno and Witness [redacted] had discharged the firearm. Witness [redacted] said he completed his Follow-Up Investigation Report and submitted the case to the city attorney for filing consideration. He said the case was eventually submitted to JSID.

IAB Note: A copy of Witness [redacted] Follow-Up Investigation Report is included in this case book. See **Exhibit C**.

For Witness [redacted] complete statement, refer to his interview transcript.

[redacted], Police Officer, Los Angeles Police Department

Witness [redacted] is a Los Angeles Police Officer, assigned to Foothill Division. He was interviewed by Internal Affairs Bureau Sergeant Carlos Flores, on November 9, 2010, at 0915 hours. The interview was conducted at the Foothill Division, and was digitally audio recorded. A labor representative, Sergeant [redacted], was also present during Witness [redacted] interview. Witness [redacted] said he grew up in the same neighborhood with Subject Moreno, and has known him for several years.

Witness [redacted] said that on January 24, 2009 he received a call of "Shots Fired" in the area of Mt. Gleason Avenue and Foothill Boulevard. He said he responded and talked to the informant, who told him that he had seen the occupant of a brown "Infinity" discharge a firearm while traveling north on Mt. Gleason Avenue.

Witness [redacted] said that a short time later they received an additional call of "Shot Fired." He said he then heard Witness Officers [redacted] and [redacted] requesting backup due to the fact that they were detaining possible suspects. Witness [redacted] said he responded to their location and observed two suspects on the ground. He said that when he exited his patrol

vehicle, he recognized one of the proned suspects as Subject Moreno.

Witness [redacted] said that Subject Moreno was belligerent, uncooperative, and using profanity towards the officers on scene. He said he could not remember exactly what Subject Moreno was saying, but remembers that he (Subject Moreno) was using profanity. Witness [redacted] said Subject Moreno was handcuffed and placed in one of the patrol vehicles.

Witness [redacted] said he approached Subject Moreno and asked him what happened. He said Subject Moreno made a statement to him regarding what had occurred, and he (Witness [redacted] later documented the statement on a Investigative Action Statement Form (**Exhibit A, Page 4**). Witness [redacted] said his report is an accurate account of his conversation with Subject Moreno. Witness [redacted] said Subject Moreno continued to be belligerent and uncooperative during the time he was questioning him.

Witness [redacted] said he did not say anything else to Subject Moreno beyond asking him what had occurred. He said Moreno did not provide any additional information beyond what is documented in his (Witness [redacted]) report.

For Witness [redacted] complete statement, refer to his interview transcript.

[redacted]

Witness [redacted] is a 28 year old Hispanic Male. He was with Subject Moreno on January 24, 2009, and was also detained and arrested by officers from the Los Angeles Police Department. Witness [redacted] was telephonically interviewed by Internal Affairs Bureau Sergeant Carlos Flores on November 9, 2010, at 0815 hours. The interview was digitally audio recorded.

> **IAB Note:** Upon initial contact with Witness [redacted] he advised Internal Affairs Bureau Sergeant Flores that he did not want to be involved in the administrative investigation. He eventually agreed to an interview and a telephonic interview was scheduled for Monday, November 8, 2010, at 1200 hours. On that day, Witness [redacted] did not answer his phone, and messages were left on his voice mail. On November 9, 2010 at 0815, he telephonically contacted Sergeant Flores and the interview was conducted.

Witness [redacted] stated that on January 24, 2009, he and Subject Moreno went to a concert in the "L.A. Live" area of Los Angeles. He said that after the concert he drove Subject Moreno's vehicle to a "Jack in the Box" in Sunland. He said he is not sure how intoxicated Subject Moreno was, but he (Witness [redacted] was also intoxicated.

Witness [redacted] said that after buying their food, he began driving back to Subject Moreno's home. He said that while in the canyon area, Subject Moreno asked him to pull the car over, and he complied. Witness [redacted] said he thought Subject Moreno needed

to use the bathroom. Witness [redacted] said he saw Subject Moreno exit the vehicle, but he was eating his food, and not paying attention to what Subject Moreno was doing.

Witness [redacted] said he then heard a gunshot, and he too exited the vehicle. Witness [redacted] said he heard a total of three gunshots, and saw Subject Moreno shooting at some cans that were on the ground. He said Subject Moreno then asked him to help him find the casings so "he won't leave a mess." Subject [redacted] said that while at the canyon, Subject Moreno advised him that he had cut the palm of his hand on one of the cans.

Witness [redacted] said they found the three casings, and he then drove back to Subject Moreno's home. Witness [redacted] said he does not know if Subject Moreno fired the firearm from within the car. He said he (Witness [redacted] was eating his food and talking on his cell phone, not paying attention to what Subject Moreno was doing.

Witness [redacted] said that they arrived to Subject Moreno's home, and finished eating inside the vehicle. He said that as they exited the vehicle they were detained by officers. Witness [redacted] said that Subject Moreno was cooperative with the officers, but asked them why they were using "excessive force." He said he then heard some profanity from Subject Moreno, but does not remember exactly what he said. He said he and Subject Moreno were then placed in separate patrol vehicles.

Witness [redacted] said he and Subject Moreno were placed inside a room at the Foothill Division. He said he does not remember Subject Moreno telling him to say he (Witness [redacted] had fired the firearm. He also said he does not remember telling Subject Moreno not to say anything to the officers. Witness [redacted] said he later briefly spoke to a detective, but that everything he was telling the detective, he "was just kept trying to twist it around, trying to make me like if I'm lying or something and, which is, that's why I was like, you know what, I can't talk to you, I'm at work." Witness [redacted] said he did not tell the detective or any other officer about stopping off at the canyon, and Subject Moreno discharging the firearm.

For his complete statement, refer to Witness [redacted] interview transcript.

Review of Recorded Conversation

Shortly after their arrest, Subject Moreno and [redacted] were placed in an interview room within Foothill Division. Their conversation was surreptitiously recorded and utilized as evidence in the criminal case. The Los Angeles Police Department provided a copy of that recording to the Los Angeles Sheriff's Department (**Exhibit H**).

Internal Affairs Bureau Sergeant Carlos Flores reviewed the recording during the course of the Administrative Investigation. In the recording Subject Moreno and [redacted] can be he heard engaged in conversation, both in Spanish and English. Subject Moreno repeatedly states that he is going to "sue" the Los Angeles Police Department, and that they mistreated him during his arrest. At certain times it is difficult to discern what is being said by Subject Moreno and Witness [redacted]

IAB Note: A Compact Disc, containing the recorded conversation is included in this case book. Portions of the recording were discussed with Subject Moreno during his interview with Internal Affairs Bureau Investigators.

SUBJECT INTERVIEW

Subject Moreno was interviewed by Internal Affairs Bureau Sergeants Carlos Flores and Scott Graham on November 4, 2010, at 1010 hours. The interview was conducted at the Internal Affairs Bureau, and was Digitally audio recorded. Subject Moreno was represented by Attorney Liz Gibbons.

Subject Moreno said that on January 24, 2009, he and Witness [redacted] attended a concert at the Nokia Theater in Los Angeles He said that during the concert he and Witness [redacted] drank several alcoholic beverages. He said that after the concert they decided that Witness [redacted] should drive Subject Moreno's vehicle, due to Subject Moreno's intoxication.

Subject Moreno said that they arrived to his home approximately 25 minutes after leaving the concert venue. He said they then decided to go and buy something to eat. Subject Moreno said that as they drove to the restaurant, they drove up "Big Tujunga Canyon," and parked for a while. He said that he retrieved several empty beer cans from his trunk, and set them on ground. Subject Moreno said he then shot three times at the beer cans, utilizing his firearm.

Subject Moreno said that after firing three rounds, he realized it was too dark, and decided not to fire any more rounds. He said he picked up the spent casings and threw them into the interior of his vehicle. He said he cut the palm of his hand while shooting his gun. He said he was not holding the gun correctly, and the weapon's slide caused the injury. Subject Moreno said they then proceeded to the "Jack in the Box" to buy something to eat.

Subject Moreno said they arrived back home and ate and talked inside his vehicle. He said that as he and Witness [redacted] exited the vehicle, two police officers from the Los Angeles Police Department arrived and detained them at gunpoint. He said they subsequently handcuffed them. Subject Moreno said he was completely cooperative with the police officers, and did not say "Fuck you" or direct other obscenities at them.

Subject Moreno said he did not talk to the officers because he did not think it was wise to do so without an attorney. He said he did not discharge his weapon from inside his vehicle, neither did Witness [redacted] Subject Moreno said he did not have an explanation as to why the officers found only two live rounds in his firearm. Subject Moreno said he recognized Witness Officer [redacted] at the scene, and briefly spoke to him at the scene, but could not remember their entire conversation. Subject Moreno said that the information contained in Witness [redacted] report (**Exhibit A, Page 4**) is "incorrect."

For his complete statement, see Subject Moreno's interview transcript.



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



[redacted]

March 9, 2011

Deputy Ivan Moreno, #[redacted]
[redacted]

Dear Deputy Moreno:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business March 30, 2011.

An investigation under File Number IAB 2238125, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.06, Disorderly Conduct; and/or 3-01/000.10, Professional Conduct, on or about January 24, 2009, while off duty and highly intoxicated wherein your blood alcohol level was determined to be .22%, you recklessly and negligently fired your off-duty firearm (a H&K .45 Caliber Semi-Automatic Pistol), from inside a moving vehicle, without due regard for life or property, resulting in your arrest by the Los Angeles Police Department for 246.3 P.C., Discharging a Firearm Within City Limits. By your actions, you have brought discredit upon yourself and the Los Angeles County Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/040.76, Obstructing an Investigation/Influencing a Witness; and/or 3-01/040.85, Cooperation During Criminal Investigation; and/or 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General Behavior; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/030.85, Derogatory Language, on or about January 24,

2009, while off duty and intoxicated, you failed to cooperate with LAPD officers who were conducting an investigation into allegations that you shot your off-duty firearm from a moving vehicle. Moreover, you failed to treat the officers in a courteous and/or respectful and/or civil manner and/or used profanity or threatening terms of speech which caused Officer [redacted] to fear for her safety, including but not limited to:

a) failing to immediately identify yourself as a deputy sheriff to LAPD officers, and/or;

b) saying words to the effect of, "Fuck you," and/or; "The next time I'm going to fuck you up," and/or "Next time I'm going to fuck you up and you too" [referring to Officers [redacted] and [redacted], and/or;

c) after being transported to Foothill Station, refusing to step out of the vehicle and stating words to the effect of, "Fuck you, you're going to have to pull me out," requiring a supervisor to respond to order you out of the vehicle, and/or;

d) while being detained at Foothill Station, being heard during a tape recorded conversation trying to convince your [redacted] to say that neither of you shot the handgun and that the injuries to your right hand and face were caused by the officers throwing you to the ground and pushing your face against the police car's side rear window, and/or saying you were going to "sue the Los Angeles Police Department" and/or saying, "they fucked up, the way they 'fucken' treated me for shooting that gun."

Your behavior and actions during this incident are completely contrary to this Department's Core Values, Mission and Creed and as a deputy sheriff, they simply cannot be tolerated. You have brought discredit and embarrassment upon yourself and the Los Angeles County Sheriff's Department.

3. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or

about November 4, 2010, during your subject interview, you made false and/or misleading statements to investigators, including but not limited to:

a) that it was not your firearm that was discharged from the area of Mt. Gleason and Foothill Boulevard, and/or;

b) that you did not use profanity and/or direct any obscenities toward the officers, and/or;

c) that you did not make the statement, "The next time I'm going to fuck you up and you too," and/or;

d) that when the officers asked you to step out of their vehicle, you did not say to the officers, "Fuck you, you're going to have to pull me out," and/or;

e) that you did not discharge your firearm from inside the car through the sunroof of the vehicle, and/or;

f) that you did not tell the LAPD officer that your [redacted] shot off some rounds through the sunroof of your vehicle, and/or;

g) that LAPD's report was factually inaccurate.

4. That in violation of Manual of Policy and Procedures Sections 3-01/110.55, Safety Policy; and/or 3-01/050.10, Performance to Standards, on or about January 24, 2009, you were grossly negligent in your responsibility as a deputy sheriff when you recklessly and dangerously fired your off-duty weapon (a H&K .45 Caliber Semi-Automatic Pistol) from inside a moving vehicle while your judgment was significantly impaired due to extreme alcohol intoxication wherein your blood alcohol level was determined to be .22%. Thus, you failed to conform to the work standards established for your position as a deputy sheriff.

Even given your version of events concerning this incident, that you drove to the Big Tajunga Canyon on January 24, 2009, and fired your off-duty weapon at some beer cans in a remote area of the canyon, your conduct warrants termination of your employment with

the Los Angeles County Sheriff's Department, as evidenced by, but not limited to, the following sections of the Manual of Policy and Procedures:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.06, Disorderly Conduct; and/or 3-01/110.55, Safety Policy; and/or 3-01/050.10, Performance to Standards, on or about January 24, 2009, while off duty, you were grossly negligently in your responsibility as a deputy sheriff when you negligently and dangerously fired your off-duty firearm (a H&K .45 Caliber Semi-Automatic Pistol) while your judgment was significantly impaired due to extreme alcohol intoxication wherein your blood alcohol level was determined to be .22%. Moreover, you allowed your [redacted] to operate your vehicle knowing [redacted] had been consuming alcohol wherein [redacted] blood alcohol level was determined to be .14%. Thus, by your actions, you failed to conform to the work standards established for your position as a deputy sheriff and your actions have brought discredit upon yourself and the Los Angeles County Sheriff's Department.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Neal Tyler, on March 29, 2011, at 1000 hours, in his office, which is located at Sheriff's Headquarters Building, 4700 Ramona Boulevard, Monterey Park, on the 4th Floor. If you are unable to appear at the scheduled time and wish to schedule some other time prior to March 29, 2011, for your oral response, please call Chief Tyler's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Tyler's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Tyler's office by no later than March 29, 2011.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Joseph M. Gooden, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JMG:lh

c: Advocacy Unit
Employee Relations Unit
Chief Neal Tyler, FORI
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2238125)

LOS ANGELES COUNTY DISTRICT ATTORNEY
CHARGE EVALUATION WORKSHEET

Page 1 of 4

☒ FELONY	AGENCY NAME: LAPD	DA CASE NO.	DATE: 10-7-10
☐ MISDEMEANOR	AGENCY FILE NO. (DR OR URN): 0916-05206	DA OFFICE CODE: JSID #09-0124R	VICTIM ASSISTANCE REFERRAL ☐ YES - NOTIFY VWAP ☒ NO

SUSP. NO.	SUSPECT	CHARGES: CODE	SECTION	OFFENSE DATE	REASON CODE
1	NAME (LAST, FIRST MIDDLE): MORENO, IVAN	PC	246.3	1-24-09	B
	DOB: [redacted] SEX (M/F): M BOOKING NO. VIP ☐ Yes ☒ No KEY CODE				
	☐ Gang Member Name of Gang ☐ Victim Gang Member Name of Gang				
2	NAME (LAST, FIRST MIDDLE)				
	DOB SEX (M/F) BOOKING NO. VIP ☐ Yes ☐ No KEY CODE				
	☐ Gang Member Name of Gang ☐ Victim Gang Member Name of Gang				
3	NAME (LAST, FIRST MIDDLE)				
	DOB SEX (M/F) BOOKING NO. VIP ☐ Yes ☐ No KEY CODE				
	☐ Gang Member Name of Gang ☐ Victim Gang Member Name of Gang				

Comments

COMPLAINT DEPUTY (PRINT)	COMPLAINT DEPUTY (SIGNATURE)	STATE BAR. NO.	REVIEWING DEPUTY (SIGNATURE)
FERNANDO GUZMAN	[signature]	134362	

I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

FILING OFFICER (PRINT):________ FILING OFFICER (SIGNATURE):________ SERIAL #:________

DEPARTMENT OF JUSTICE REASON CODES (FORM 8715)

A. Lack of Corpus
B. Lack of Sufficient Evidence
C. Inadmissible Search/Seizure
D. Victim Unavailable/Declines To Testify
E. Witness Unavailable/Declines to Testify
F. Combined with Other Counts/Cases
G. Interest of Justice
H. Other (indicate the reason in Comments section)
I. Referred to Non-California Jurisdiction
J. Deferred for Revocation of Parole
K. Further Investigation
L. Prosecutor Prefiling Deferral

DISTRICT ATTORNEY'S REASON CODES

M. Probation Violation filed (in lieu of)
N. Referred to City Attorney for Misdemeanor Consideration

LAST NAME: ________ FIRST NAME: ________ DA CASE NUMBER: ________

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of allegations that Los Angeles County Sheriff's Deputy Ivan Moreno, #[redacted] discharged a firearm in a grossly negligent manner in violation of Penal Code section 246.3. For the reasons set forth below, this office declines to initiate criminal proceedings.

The following analysis is based on reports prepared by the Los Angeles Police Department (LAPD), submitted to this office on February 24, 2009, by Detective Pace, LAPD Foothill Area Detective Division.

FACTUAL ANALYSIS

On January 24, 2009, LAPD Officers Urias and Adams were working in the Foothill Division on patrol. At approximately 11:05 p.m. they responded to a call of shots fired in the area of Mount Gleason Avenue and Summitrose Street in the City of Sunland. There they met a witness by the name of [redacted]

[redacted] saw a vehicle traveling northbound on Mount Gleason Avenue. When the vehicle was approximately 150 yards north of him, [redacted] saw a hand stick out of the sunroof of the vehicle. [redacted] heard two gunshots, although he did not see a gun. He was not able to see the occupants of the vehicle because it had tinted windows.[1]

LAPD Officers [redacted] and [redacted] were responding to the same call when they heard a second call of shots fired in the area of [redacted] Street.[2] Witness [redacted] reported hearing two or three gunshots, but did not see the vehicle involved.

One block north of [redacted] and [redacted] saw a parked vehicle matching the description given by [redacted] [redacted] was sitting in the driver's seat and off-duty LASD Deputy Ivan Moreno was sitting in the front passenger seat. As [redacted] and [redacted] approached on foot, both [redacted] and Moreno exited their vehicle and were taken into custody.

On the floorboard in front of the front passenger seat, Officer [redacted] found a .45 caliber handgun and a spent casing. Two additional spent casings were found on the front passenger seat and the rear passenger side floor board. One live round was found in the magazine of the weapon.

Moreno admitted that the handgun was his. Moreno stated to Officer [redacted] that [redacted] discharged Moreno's weapon, without Moreno's permission, as [redacted] was driving. Moreno then recovered the weapon from [redacted] Moreno denied discharging the weapon himself.

[redacted]

[1] [redacted] could not see how many occupants were in the vehicle.
[2] [redacted] Street is approximately one mile north of [redacted] Street.

On February 3, 2009, LAPD Detective [redacted] interviewed [redacted] stated that on January 24, 2009, he was driving Moreno home because Moreno had been drinking. [redacted] denied firing a weapon on that evening. He also denied hearing or seeing Moreno fire a weapon on that evening.

Shortly after the arrest, [redacted] and Moreno were placed in the Foothill Division Detective interview room together. Their conversation was surreptitiously tape recorded. In discussing the firing of a weapon, Moreno repeatedly stated "I didn't do it, you didn't do it." Moreno asked [redacted] "Did you see me do it?" [redacted] stated "I told them I didn't know."

At one point Moreno stated "They fucked up the way they fucken treated me for shooting that gun." This statement is the most incriminating statement by either party during the almost 30 minute conversation. One could argue that the conversation represents Moreno's attempt to solidify his defense. However, his numerous denials of culpability could also reasonably reflect his belief in his innocence.

Scientific Evidence

On January 24, 2009, gunshot residue (GSR) samples were obtained from Moreno and [redacted] The LAPD Scientific Investigation Division (SID) performed an examination and analysis. Gunshot residue was not detected on either sample.

CONCLUSION

There is insufficient evidence that Moreno discharged a firearm in a grossly negligent manner. Although [redacted] saw a vehicle matching the description of Moreno's vehicle at the time that he heard gunshots, he did not see a gun or the occupants of the vehicle. He could not state how many occupants were in the vehicle, or which occupant, if any, fired a gun. He made no mention of seeing a flash, consistent with the firing of a gun.

Though Moreno and [redacted] were in the vehicle at the time of arrest, there are no witnesses who can state who was in the vehicle at the time of the shooting. Several minutes passed before Moreno's vehicle was located. When officers saw the vehicle it was parked. The officers did not determine how long the vehicle had been parked. The number and identity of the occupants could have changed during this time.

There is circumstantial evidence that a gun was fired from the vehicle. Officers found a gun and three spent casings in the vehicle. It would not be unusual, however, for an off duty Deputy Sheriff to carry his service weapon and spent casings in his vehicle.[3] None of the officers at the scene made any attempt to determine if the firearm had been recently

[3] The vehicle was owned by Moreno.

fired. There was no indication of the temperature of the weapon or the casings, nor the odor of burnt gunpowder.

The officers did collect gunshot residue samples from Moreno and [redacted] The failure to detect the presence of gunshot residue on either subject rendered the result inconclusive. This would support the inference that neither person fired a weapon.

Neither Moreno nor [redacted] implicated Moreno as the shooter. Moreno implicated [redacted] as the shooter. However, during their taped conversation in the interview room, Moreno stated that neither one of them did it. [redacted] told Detective [redacted] that neither occupant discharged the firearm.

At one point Moreno stated to [redacted] "They fucked up the way they fucken treated me for shooting that gun." This statement is not a clear admission of guilt. Although the statement could be interpreted as an admission to firing a gun, this is not the only reasonable interpretation. The substance of the statement refers to the manner in which Moreno was treated by the officers. The reference to "...shooting that gun" could reasonably refer to the officers' belief that Moreno had fired a gun, whether it was true or not.

More troubling are Moreno's repeated assertions "I didn't do it, you didn't do it." One reasonable interpretation of this comment was that Moreno was instructing [redacted] to deny culpability. However, the plain meaning of the statement is clearly a declaration of innocence.

Based on the absence of credible evidence, the probability of a successful prosecution is extremely remote. Consequently, the available evidence is insufficient to prove beyond a reasonable doubt that Deputy Ivan Moreno discharged a firearm in a grossly negligent manner. Therefore, we are closing our file and will take no further action in this matter.



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

October 23, 2012

RECEIVED
OCT 24 2012
ADVOCACY UNIT

NOTICE OF CIVIL SERVICE COMMISSION DECISION

Meeting of October 17, 2012

ITEM NO. 19:

*Petition of **IVAN MORENO** for a hearing on his **discharge**, effective April 12, 2011, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 11-170**.

COMMISSION DECISION:

DENIED THE PETITIONER'S MOTION TO CORRECT PROCEDURAL DEFECTS.

Lawrence D. Crocker
Lawrence D. Crocker
Executive Director

c: Ivan Moreno
Elizabeth J. Gibbons
Paul Patterson

ROOM 522 KENNETH HAHN HALL OF ADMINISTRATION • 500 W. TEMPLE STREET, LOS ANGELES, CA 90012 • TELEPHONE (213) 974-2411 • FAX (213) 974-2534



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

RECEIVED
AUG 24 2012
ADVOCACYUNIT

August 23, 2012

FINAL DECISION

Subject of Hearing: *Petition of* ***IVAN MORENO*** *for a hearing on his* ***discharge,*** *effective April 12, 2011, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 11-170.**

On July 24, 2012, the Commission's proposed decision in this matter was sent out for objections. The objections were to be filed with the Commission by August 13, 2012. No objections were timely filed.

Therefore, the following is the Commission's final decision in the matter:

DEPARTMENT SUSTAINED.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure, as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

LDC: se

c: Ivan Moreno
Elizabeth Gibbons
Paul Patterson
Walter Norwood

LOS ANGELES COUNTY CIVIL SERVICE COMMISSION
Kenneth Hahn Hall of Administration
500 W. Temple Street
Los Angeles, California 90012

In the Matter of **IVAN MORENO** **(Appellant)** **vs.** **LOS ANGELES COUNTY SHERRIFF'S DEPARTMENT** **(Respondent/Department)** **RE: Discharge**	Hearing Examiner's Findings of Fact, Conclusions of Law and Recommended Decision Case #11-170

Hearing Dates:	11/7/11, 1/24/12, 1/25/12, 2/21/12, 3/30/12 And 4/25/12
Hearing Location:	500 W. Temple Street Los Angeles, CA 90012
Appearances for the Appellant:	Elizabeth Givens, Esq. Green & Shinee 16055 Ventura Blvd., Suite 1000 Encino, CA 91436
Appearances for the Department:	Paul M. Patterson, Sergeant Los Angeles Sheriff's Headquarters' Bureau 4700 Ramona Blvd. Monterey Park, CA 91754
Assisted by:	Elizabeth Quesada, Senior Departmental Employee Relations Representative
Court Reporter:	Sonya Reed and/or Maxine Miller Kennedy Court Reporters, Inc.
Hearing Examiner:	Walter R. Norwood, Ph.D.

BACKGROUND

Deputy Ivan Moreno (Moreno) was employed as a Deputy Sheriff with the Los Angeles County Sheriff's Department for approximately six years. At the time of the incident, he had just graduated from a Department training program.

On or about January 24, 2009, Moreno (Appellant), while off duty and extremely intoxicated, illegally and recklessly discharged a deadly weapon several times out of the sunroof of his moving vehicle within the city limits of Los Angeles. This action was apparently without due regard for the life or property of others and in violation of statutory law and department policy.

Shortly after his arrest the Appellant's blood alcohol level was determined to be .22%. That level of his blood alcohol is but one indicator of the severity of his intoxication.

Additionally, the Appellant failed to cooperate with the LAPD officers who were conducting an investigation into allegations that the Appellant had shot his weapon. He failed to cooperate with the investigation by:

1. Failing to immediately identify himself as a deputy sheriff to the LAPD officers.
2. Uttering words to the effect of "fuck you" and/or "the next time I'm going to fuck you up" and "next time I'm going to fuck you up and you too" (referring to Officers [redacted] and [redacted]).
3. Refusing to step out of the squad car at the Foothill station and saying "fuck you, you're going to have to pull me out," requiring a supervisor to order him out of the car.
4. While at the Foothill station he was heard during a recorded conversation with his friend trying to convince him that he should claim that he shot the gun while in the car and not him (the Appellant) and that the injury to his hand and face were caused by LAPD officers throwing him to the ground and saying he wanted to sue LAPD and make a lot of money.

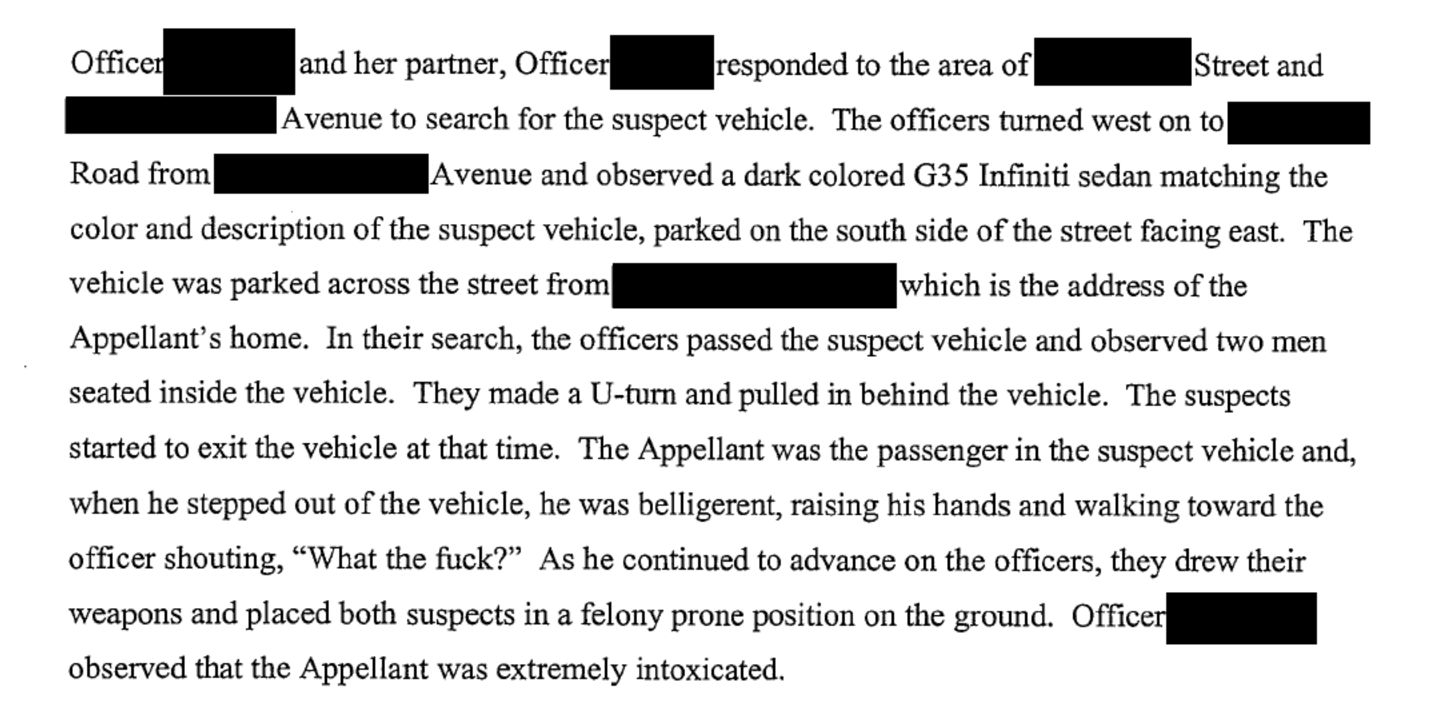
ISSUES

The issues presented by the Civil Service Commission are as follows:

1. Are the allegations contained in the department's letter of disposition dated April 14, 2011 true?
2. If any or all are true, is the discipline appropriate?

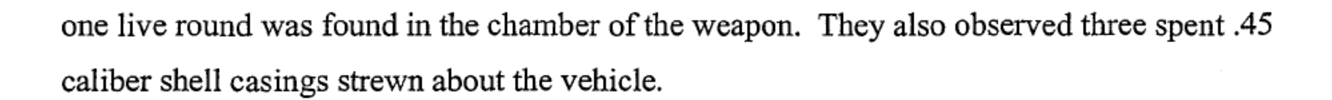
CASE OVERVIEW

On January 24, 2009, at approximately 11:07 PM, police officers from LAPD's Foothill Division received a 911 call that a possible shooting assault occurred in the area of Mount Gleason Avenue and Foothill Blvd. The party reporting the incident was standing in his front yard talking on his cell phone when he observed a brown G35 Infiniti 4-door sedan speeding north on Mount Gleason Avenue from Foothill Blvd. The witness reported that he'd observed an occupant in the vehicle in the front seat discharging a fire arm through the sunroof of the vehicle as the vehicle was speeding northbound on Mount Gleason Ave. Several LAPD officers responded to the area to begin searching for the suspect vehicle. About 15 minutes later, a second 911 call was received reporting gun shots in the area near [redacted] Street, which is west of [redacted] Avenue.



Officer [redacted] and her partner, Officer [redacted] responded to the area of [redacted] Street and [redacted] Avenue to search for the suspect vehicle. The officers turned west on to [redacted] Road from [redacted] Avenue and observed a dark colored G35 Infiniti sedan matching the color and description of the suspect vehicle, parked on the south side of the street facing east. The vehicle was parked across the street from [redacted] which is the address of the Appellant's home. In their search, the officers passed the suspect vehicle and observed two men seated inside the vehicle. They made a U-turn and pulled in behind the vehicle. The suspects started to exit the vehicle at that time. The Appellant was the passenger in the suspect vehicle and, when he stepped out of the vehicle, he was belligerent, raising his hands and walking toward the officer shouting, "What the fuck?" As he continued to advance on the officers, they drew their weapons and placed both suspects in a felony prone position on the ground. Officer [redacted] observed that the Appellant was extremely intoxicated.

When back up officers arrived, the suspects proceeded to handcuff them. As the Appellant was being handcuffed, he tried to turn around several times and kept cursing at the officers saying words to the effect of, "What the fuck do you think you're doing?" The suspects were then placed in separate patrol cars. Officer [redacted] attempted to question the Appellant several times regarding the shots fired call, but he would only reply with, "fuck you" and other similar profanities. Officers [redacted] and [redacted] approached the Appellant's vehicle and saw an H&K semi-automatic .45 caliber hand gun with a 9-round capacity. The weapon was jammed and only



one live round was found in the chamber of the weapon. They also observed three spent .45 caliber shell casings strewn about the vehicle.

The officers also observed blood on the front and rear seats of the automobile, around the gearshift and around the vehicle's sunroof. In addition, the Appellant had blood on his pants, a bleeding cut on the palm of his left hand and blood on his nose.

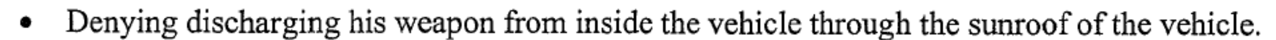
After the Appellant was handcuffed and in the squad car, Officer [redacted] approached him to ask what happened. The Appellant told [redacted] that the driver [redacted] grabbed his weapon and, without permission, fired several shots into the air and that he (the Appellant) did not shoot the weapon. He then refused to make any further statements. Officer [redacted] knew the Appellant was a deputy sheriff and so informed his sergeant when he returned to the station. Both suspects were then transferred to the Foothill station.

At the station, the Appellant stated that [redacted] had not put his seat belt on properly causing him to bump his nose on the plexiglass that separated the front and back seats. This occurred on the way to the station when he was handcuffed and while in the squad car he had complained about the seat belt being unfastened. The LAPD officers then stopped the vehicle and re-secured The Appellant's seatbelt. The Appellant then started threatening Officer [redacted] and said, "Next time I'm going to fuck you up" and again "I'm going to fuck you up and you, too," referring to [redacted] partner.

When the officers arrived at the station, the Appellant refused to step out of the patrol car and said, "Fuck you, you're going to have to pull me out." Officer [redacted] contacted a Supervisor Sergeant [redacted] who approached the Appellant and ordered him out of the car. The Appellant complied and exited the car.

On November 4, 2010 during his interview, the Appellant violated the policy and procedures manual concerning making false statements during a Department internal investigation by:

- Claiming it was not his firearm that was discharged in the area of Mount Gleason and Foothill Blvd.
- Denying using profanity or directing obscenities toward the LAPD officers.
- Making statements "the next time I'm going to fuck you up and you too."
- Denying saying "fuck you – you're going to have to pull me out."



- Denying discharging his weapon from inside the vehicle through the sunroof of the vehicle.
- Denying that he told LAPD officers that his friend [redacted] shot some rounds through the sunroof of his vehicle.

CHARGES

The discipline in this matter arises from a violation of three separate and distinct charges as a result of the Appellant's failing to follow certain policies and procedures of the department.

1. In the manual under policy and procedures Section 3-01/030.05 General Behavior and/or 3-01/030.06 Disorderly Conduct and 3-01/000.10 Professional Conduct.
2. Violation of the manual on policy and procedures Section 3-01/040.76 Obstructing an Investigation/Influencing a Witness
3. And/or 3-01/040.85 Cooperation During Criminal Investigation and/or 3-01/000.10 Professional Conduct and/or 3-01/030.05 General Behavior and/or 3-01/030.15 Conduct Towards Others and/or 3-01/030.85 Derogatory Language.

SKELLY PROVISIONS

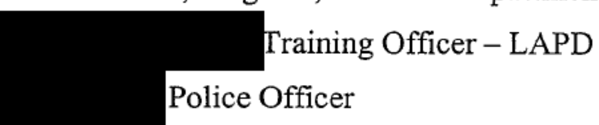
By way of testimony and the evidence presented in this matter, the requirements of the Skelly rule have been complied with.

WITNESSES

For the Department

Neal Tyler, Chief Field Operations – Region I

Carlos Flores, Sergeant, Sheriff's Department



[redacted] Training Officer – LAPD

[redacted] Police Officer

[redacted] Sergeant – LAPD

[redacted] Civilian

For the Appellant

[redacted] Training Officer - LAPD

[redacted] Surgical Technician and friend of the Appellant

Ivan Moreno, Appellant and Deputy Sheriff

[redacted] SAT Officer

EXHIBITS

For the Department

1. An IAB Case File #2238125 commonly referred to as the Skelly Package containing a series of memos and other correspondence as well as a series of color photographs that are part of Exhibit 1, but were not attached and are pictures of the Appellant as well as the interior of his vehicle, and the gun that was involved in this situation.
2. A Transcript of the Appellant and [redacted] in the LAPD Interview Room, January 25, 2009.
3. A Declaration of Sergeant [redacted] with attached Transcript of Complaint Interview January 25, 2009.
4. Guidelines for Discipline.
5. Certificate of Record 15 Letters of Position.
6. Declaration of Chief Neal Tyler.
7. Computer Log-on Notification/Sheriff's Bulletin.

For the Appellant

A. This is a one-page diagram drawn by the witness and covers certain streets involved in this situation.
B. A Letter of Intent to suspend for 15 days dated 7/12/10, the addressee has been sanitized.
C. A Letter of Intent to suspend for 25 days dated 9/10/10, the addressee has been sanitized.
D. A Letter of Intent to suspend for 10 days dated 12/11/08, the addressee has been sanitized.
E. A Letter of Intent to suspend for 15 days dated 3/2/09, the addressee has been sanitized.
F. A Letter of Intent to suspend for 25 days dated 4/15/08, the addressee has been sanitized.
G. A Letter of Intent to suspend for 20 days dated 11/2/99, the addressee has been sanitized.
H. A Letter of Intent to suspend for 30 days dated 1/20/94, the addressee has been sanitized.
I. A Letter of Intent to suspend for 10 days dated 9/18/08, the addressee has been sanitized.
J. A Letter of Intent to suspend for 20 days dated 4/1/88, the addressee has been sanitized.
K. A Letter of Intent to suspend for 10 days dated 1/31/08, the addressee has been sanitized.
L. A Letter of Intent to suspend for 15 days dated 4/7/08, the addressee has been sanitized.
M. A Letter of Intent to suspend for 15 days dated 3/16/10, the addressee has been sanitized.
N. A Psychology of Discipline prepared by Lee Baca, dated 7/30/07, consisting of one page.
O. A Performance Evaluation from 2004 – 2010 for the Appellant.
P. A series of commendations for Ivan Moreno, consisting of four pages, with other deputies listed.

POSITIONS OF THE PARTIES

For the Department

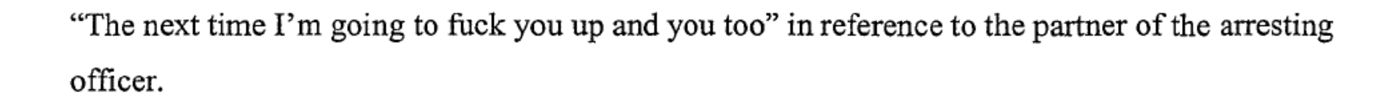
The Department submits that the incidents on September 24, 2009, must be viewed in the context that drunken, disrespectful conduct and recklessly discharging a deadly weapon, criticizing other law enforcement agency personnel and other inappropriate behavior certainly implicate the Appellant to the extent that such behavior does warrant a discharge.

Clearly, it was established that while off duty and extremely intoxicated, the Appellant did fire an off duty weapon, which was an H and K .45 caliber semiautomatic pistol from inside his moving vehicle. This behavior was apparently done without regard for the life and/or property of others, which was one of the reasons for the arrest by the Los Angeles Police Department for "discharging a fire arm."

Another charge by the Department concerns the Appellant's failure to cooperate with the LAPD officers who were conducting a criminal investigation into the allegations that shots had been fired in a residential area. The Appellant, in that instance, failed to treat the arresting officers with the degree of courtesy and respect that a sworn deputy sheriff should have displayed and in fact did use a significant amount of profanity and threatening terms in his conversation with the arresting officers. Such conversation and such behavior were serious enough for one of the arresting officers to fear for her safety.

The Appellant's profanity, threatening words and actions were completely inconsistent with the sheriff's department's core value and mission creed that to which all deputies are obligated to follow. The Appellant's behavior was a discredit and embarrassment not only to himself, to the public and to the Los Angeles County Sheriff's Department and warrants significant discipline because of it.

It is also argued by the Respondent that the Appellant violated the policy manual and procedure Section 3-01040.75, that is failure to make statements and/or making false statements during departmental internal investigations to wit the Appellant denied discharging his fire arm in the area of [redacted] and Foothill Blvd and also denied the use of profanity or directed any obscenities towards the arresting officers and denied making the statement to the effect,



"The next time I'm going to fuck you up and you too" in reference to the partner of the arresting officer.

The Department also argues that upon the Appellant's arrival at the sheriff's substation, that he refused to get out of the automobile and uttered phrases such as, "Fuck you, you're going to have to pull me out" and/or denying he discharged his off duty fire arm from inside his vehicle through the sunroof and/or denying he told the officer that his friend [redacted] shot his fire arm or alleging LAPD's report was factually inaccurate.

The Department also alleges that the Appellant did violate the safety policy of the Department in that he fired a weapon from inside a moving vehicle and did so while extremely intoxicated. This behavior is in direct violation of the standards established by the sheriff's department in their policies and procedures manual(s). Also, it should be noted, and the department so alleges that the Appellant allowed his friend to operate his automobile who was also under the influence of a significant amount of alcohol that was at an illegal level and so by allowing him to drive in that condition, the Appellant could have caused great harm to the citizenry.

In the course of the Appellant's testimony, there were numerous contradictory statements made by the Appellant, many of which, if not all, brought into question the integrity of the Appellant and the disgrace which was brought upon the department by his actions.

With respect to the incident on January 24, 2009, it was clear that shots were indeed fired from the sunroof of the Appellant's vehicle while the vehicle sped northbound on [redacted] Avenue from Foothill Blvd. The evidence also shows that the Appellant fired his off duty weapon and not [redacted] as he later told the officers and/or denied to the officers that he ever fired the weapon. The evidence in the testimony also show that the Appellant fired more than three shots, as he admits he loaded the weapon to full capacity of nine shots but, when the weapon was seized, only one live round remained in the chamber, three expended rounds were on the floor of the vehicle and five rounds were unaccounted for and there was no explanation to where those five rounds might be now. His testimony that he had been shooting at beer cans in the Big Tujunga Canyon area was not plausible. And if true, such behavior placed lives in jeopardy since many transients make their home in those hills. Shooting at beer cans could cause injury to persons in the area.

During the Skelly hearing, the Appellant complained that he'd received certain facial injuries because of the way he was treated by the arresting officers. This is directly contradictory to the recorded conversations he was in the investigation room at the Sheriff's Department and his discussion with his friend of excessive force at the time of the arrest. The evidence and the testimony will show that the Appellant's allegations that the LAPD officers lied in their statements and reports regarding his actions and his misconduct on January 24, 2009 were not true.

Parenthetically the Appellant told Steve Tyler at a Skelly hearing that he wanted to write an apology letter to LAPD stating that his conduct and behavior was unacceptable and that what he did was, in fact, a crime.

Further evidence and testimony will also show that the Appellant was extremely intoxicated, although he knew [redacted] was drinking alcohol along with him, he allowed [redacted] to drive stating that [redacted] can "hold his alcohol."

Furthermore, the evidence and testimony will show that although the Appellant claims he identified himself as a deputy sheriff and had his department badge in his vehicle, it was apparent that he was too drunk to make any verbal notification that he was a deputy sheriff to the arresting officers. The Appellant was, however, identified by one of the LAPD officer's at the scene as a deputy sheriff and then again during the booking.

All evidence and testimony establish the fact that the public has the right to the highest standard of behavior from those involved with the power and authority of a law enforcement sworn deputy and that that was not displayed in nor exercised by the Appellant on January 24, 2009.

It was well established that the Appellant did fire his weapon on the night of January 24. If only his version that he shot at some beer cans up in the Tujunga area was believable, he would still be at fault in that an intoxicated person firing a weapon at anything where there are people in the vicinity, or even if just on the road way where cars are passing at an undetermined rate, was such a serious offense that severe discipline is the only alternative to such behavior.

The Appellant's veracity comes into question in that he admittedly gave several contradictory statements and answers during the police interviews, the internal affairs interviews, and his testimony in this hearing. The evidence and testimony presented at hearing further established that

the level of discipline imposed upon the Appellant was absolutely appropriate and necessary. His actions were intolerable, untenable, and utterly egregious.

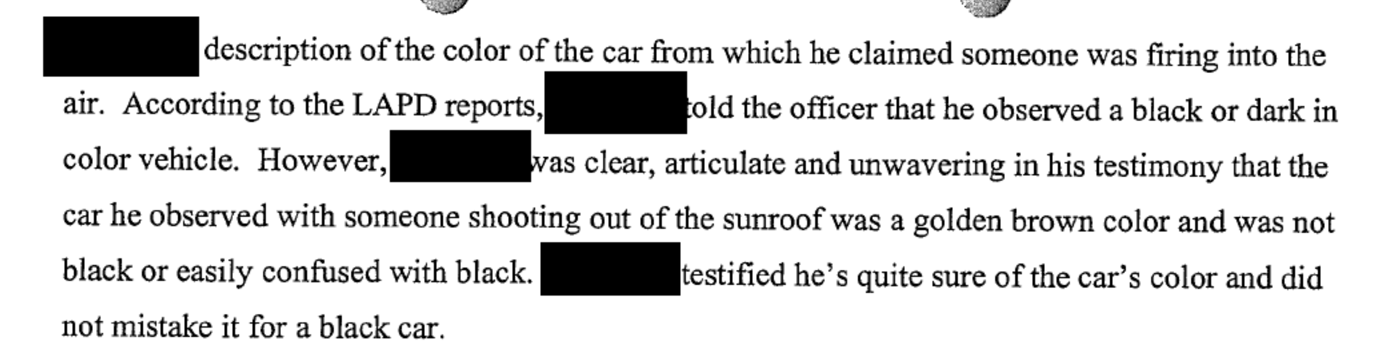
The primary argument raised by the Appellant in his only defense, as far as the department was concerned, was that he is remorseful because he was intoxicated, and further, that he's learned his lesson and that he can handle his drinking and, therefore, he will never do the things he was arrested for again.

The Appellant's claim that his life was in somewhat of a destructive mode based on a failed relationship with the [redacted] and/or he was celebrating his getting off of the training program of the department, and therefore, was feeling cocky and arrogant, gave him a false sense of "he could do no wrong." These issues the Appellant claims are what led to his drinking alcohol that evening. In his claim that he would not commit similar acts again in the future if reinstated was considered, but rejected by the department.

Again, the Appellant, in his testimony, and the evidence submitted, seems to believe that discharging a weapon from the sunroof of a moving vehicle is more reckless and negligent than being extremely intoxicated and discharging a weapon on the side of a roadway with vehicular traffic and residents in the area. The Appellant admits he fired the weapon in one situation but not the other, although the preponderance of the evidence simply indicates otherwise.

In addition to the violation of the department's rules and regulations and their policy, the County of Los Angeles Civil Service Rule 18.01A and 18.02A provide for a permanent employee being "discharged". Also Rule 18.031 provides for discharge where an employee fails to meet the explicitly stated or implied standards of performance and that this includes qualitative as well as quantitative elements of performance, such as, the failure to exercise sound judgment, failure to report information accurately and completely, failure to deal effectively with the public and failure to make productive use of human, financial, and other assigned resources." Rule 18.031 also stated that grounds for discharge may also include any behavior or pattern of behavior which negatively affects an employee's productivity or unbecoming a county employee.

The Department argues that the Appellant failed by preponderance of the evidence to meet the explicitly stated and/or implied qualitative standards of performance and failing to use good common sense engaged in a behavior which was very much unbecoming a county employee and,



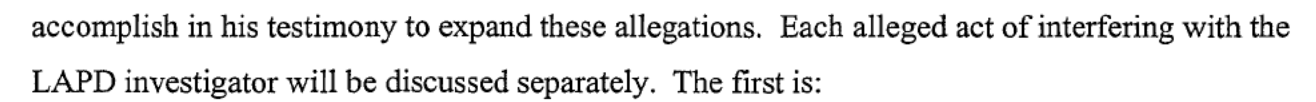
[redacted] description of the color of the car from which he claimed someone was firing into the air. According to the LAPD reports, [redacted]old the officer that he observed a black or dark in color vehicle. However, [redacted]vas clear, articulate and unwavering in his testimony that the car he observed with someone shooting out of the sunroof was a golden brown color and was not black or easily confused with black. [redacted] testified he's quite sure of the car's color and did not mistake it for a black car.

[redacted] testimony, directly contradicts not only the police report, but the testimony of Officer [redacted] concerning the description of the subject vehicle she was looking for. The Department had the burden of proof to argue that the Appellant's true description of the car, since it was black, did not mitigate against their investigation. The Appellant owned and was driving a black Infiniti. The only percipient witness to that fact could not identify who was in the car, how many people were in the car, and described the vehicle he saw in his own words, with no prompting from anyone, as golden brown, not black. The only non hearsay evidence established that it was in fact, not the Appellant's car which [redacted] saw driving on Mount Gleason.

Parenthetically, argued the Appellant, that it was Officer [redacted] inaccurate report of [redacted]escription of the subject vehicle that justified [redacted] stopping and detaining the Appellant and his friend [redacted]n front of the Appellant's home. But for that inaccurate description, it is quite possible that the police would never have stopped and/or interrogated the Appellant and his friend [redacted]rgued the Appellant.

Another cause for concern by the Appellant for the Department's decision to discipline is a deputy being falsely arrested. Officer [redacted]probable cause search of the Appellant's car was based entirely upon a falsified description of the subject vehicle. Her discovery of the gun and blood in the Appellant's car is suppressible under the fruits of the poisonous tree doctrine, as such [redacted] had no lawful probable cause to stop, detain, search and/or arrest the Appellant. The car that the Appellant and his friend were sitting in was far different in color from the i.e., black from the car described by the citizen witness of a golden brown automobile. Therefore, why would they have stopped him in the first place?

The second charge that the Appellant argued deals with the allegation that the Appellant interfered with and/or failed to cooperate with the LAPD's criminal investigation in four specific ways. The Department is limited by the alleged violations and is not free as Chief Tyler attempted to



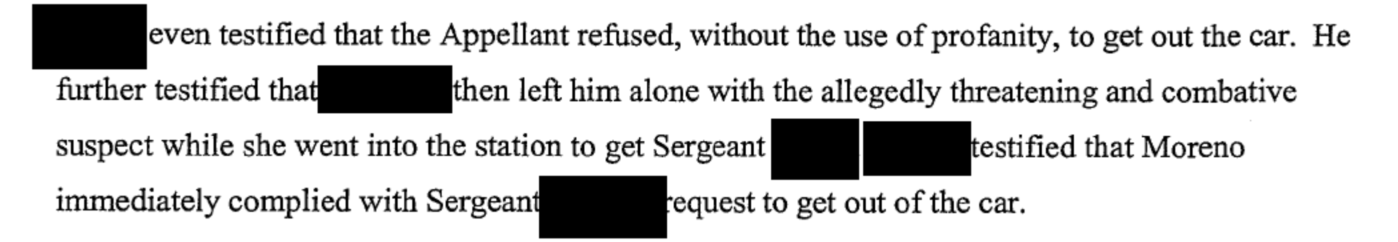
accomplish in his testimony to expand these allegations. Each alleged act of interfering with the LAPD investigator will be discussed separately. The first is:

A. Failing to immediately identify himself as a deputy sheriff. This allegation is based entirely on the statement and testimony of [redacted] who claim that she had no idea that he Appellant was a deputy sheriff until she got back to the station. This statement by [redacted] is demonstrably false. The Appellant and his friend [redacted] testified that immediately upon being contacted by LAPD officers, the Appellant identified himself as an off duty deputy by putting up his hands and loudly stating, "I am an off duty deputy." Both the Appellant and Ivan then testified that the LAPD officers' replied with words to the effect that, "We don't care who the fuck you are," and proceeded to put their knees on the Appellant's head grinding his face into the pavement. Next the photos of the interior of the car show a wallet that the Appellant testified contained his flat badge was in plain view inside the car. In reality any trained police officer would immediately recognize this as a badge case and would have acted accordingly to look at it.

[redacted] testified that once the Appellant was in the squad car and in handcuffs, she continued to interrogate him in an effort to get additional information from him. However, his response to her was negative and hostile using terms such as "f-you, the next time I'm going to f-you up" while he was seated in handcuffs, etc. She further testified that because of his lack of cooperation, she discontinued her attempts to interview the Appellant. The testimony of Officer [redacted] the third person in the squad car indicated that he did not recall the Appellant making any threatening comments to himself or his partner during the drive to Foothill station. These are statements he surely would have recalled if they actually had occurred. This testimony directly contradicts the statements and/or testimony of [redacted]

Finally, the Appellant did admit to using profanity in response to his mistreatment by the officers but not to obstruct the investigation or to threaten the officers. While the Appellant also admitted this was not appropriate, it clearly is not a conduct which would or should have resulted in his discharge.

With respect to refusing to get out of the patrol car, [redacted] indicated in her report that Officer [redacted] told the defendant to exit the vehicle and he refused, continuing to use profanity and said, "f-you, you're going to have to pull me." I advised the assistant watch commander of the situation so stated the [redacted] and Sergeant [redacted] came out of the station to the police vehicle and told the defendant to exit the vehicle to which he complied.



[redacted] even testified that the Appellant refused, without the use of profanity, to get out the car. He further testified that [redacted] then left him alone with the allegedly threatening and combative suspect while she went into the station to get Sergeant [redacted] [redacted] testified that Moreno immediately complied with Sergeant [redacted] request to get out of the car.

The Appellant argues that the statements he made to his friend that he was going to sue the LAPD for excessive use of force can in no way constitute a violation of any policy. These statements were not made with the intent that they would be heard by the LAPD officers, were not made as a threat against the officers, and were never made in the context of attempting to ask or convince [redacted] to say anything false about how they were treated during the arrest process.

[redacted] does agree with the Appellant that they were mistreated during the arrest, that he was not bleeding before their contact with the officers, and specifically, the Appellant was bleeding from his forehead as a result of his contact with the officers.

Finally, the Appellant argues that he had every right to sue LAPD if he felt they used excessive force and violated his constitutional rights during his arrest. The probable cause argued by the LAPD was based entirely on the false description of the car identified by the witness who saw a brown G35 Infiniti speeding down the street and someone shooting from the sunroof of that car – noting that the Appellant's car is a black G35, there was no probable cause to stop and search the Appellant's vehicle.

Finally, the Appellant said he's taking steps to learn about the causes, personal in nature, which caused him to drink excessively. He has taken steps to be sure that such will never occur again. He argued that in the past three years following this incident, including even after the time he was discharged, the Appellant has not engaged in any similar misconduct. In fact, the Appellant has used his experience in this incident to help other deputies who are challenging alcohol-related problems and who perhaps cannot recognize their own alcohol abuse in an effort to help them avoid the consequences that he's faring.

The Appellant has admitted that he made a mistake; that he did in fact, fire his gun in Big Tujunga Canyon on January 24, 2009. However, he's admitted the mistake and, more importantly, has

shown true and sincere remorse for his conduct by taking steps to ensure the conduct will not be repeated. He has taken it upon himself to be a counselor to other deputies and to assist them with their drinking problems.

As stated above, the Appellant should be given a second chance. A more appropriate way to handle the situation is to rescind the termination and give him a suspension commensurate with the offense and so prays the Appellant on the Hearing Examiner.

DISCUSSION

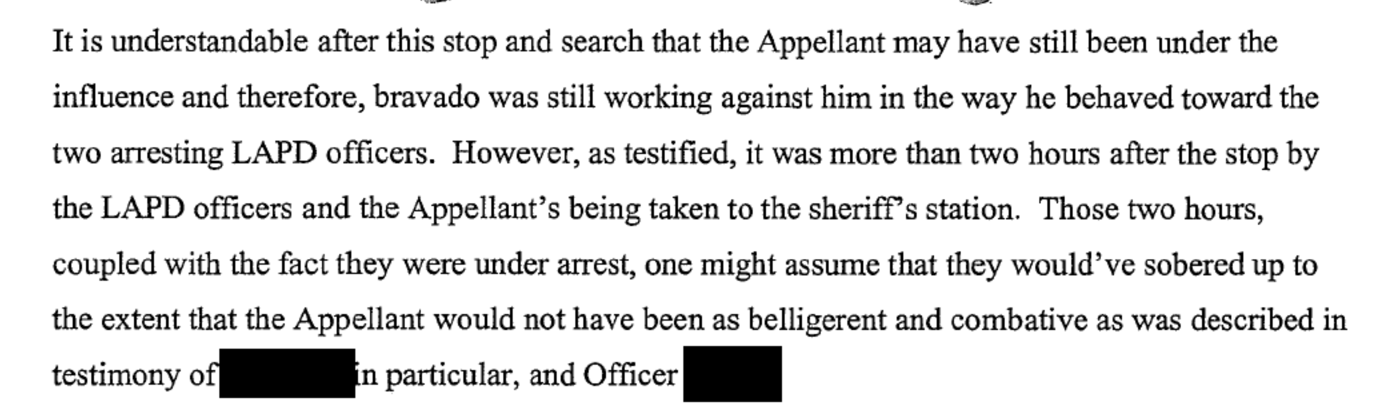
The behavior of the Appellant on January 24, 2009, is severe and significant. Assuming arguendo the only action by the Appellant was that to which he admitted, i.e. firing his off duty weapon in Big Tujunga Canyon at night while highly intoxicated is justification enough for there to be a severe discipline meted out. Sworn deputies are expected to behave at a much higher level and standard of behavior than an ordinary citizen. For one to be so intoxicated that he felt that it would be "okay" to fire his weapon without regard for safety, life or the life of others who may be in the vicinity is unconscionable.

With respect to the description of the automobile, it was clearly established by one witness that a G35 Infiniti was driving down the street.

Fifteen minutes later, in the same area a second witness reported hearing shots in an area adjacent to, but north of the location where first observed by the first witness.

Whether the car was black or brown is not nearly as important as the fact that shots were being fired from a G35 Infiniti. It was at night and the first witness was in his front yard talking on his cell phone. Based on his call to the 911 operator, clearly he was surprised by the events he observed.

Parenthetically one witness recalled seeing the passenger of the speeding vehicle shooting and the Appellant has testified that his friend was driving because he could "hold his liquor". Therefore, it's this Hearing Examiner's opinion that Officers [redacted] and [redacted] were justified in stopping and searching the Appellant's vehicle on the date in question that was a G35 Infiniti irrespective of its color.



It is understandable after this stop and search that the Appellant may have still been under the influence and therefore, bravado was still working against him in the way he behaved toward the two arresting LAPD officers. However, as testified, it was more than two hours after the stop by the LAPD officers and the Appellant's being taken to the sheriff's station. Those two hours, coupled with the fact they were under arrest, one might assume that they would've sobered up to the extent that the Appellant would not have been as belligerent and combative as was described in testimony of [redacted] in particular, and Officer [redacted]

At the station the conversation between the Appellant and his friend that was rescinded, was significant. In that conversation neither the Appellant nor his friend sounded as though they were intoxicated, but was deliberative in expression of a plan by the Appellant to sue and/or claim that his civil rights had been violated in some way during the arrest and that he was going to become a very wealthy person in a very short period of time. Some two to three hours after the arrest there was not present didn't the attitude of a drunk, but was the attitude and expression of one who thought he was going to be able to scheme his way into a significant amount of money at the expense of the arresting officers. Parenthetically, even though more than two hours had elapsed after the original stop by the LAPD officers, keep in mind that the Appellant had made a stop at a fast food facility (Jack in the Box) and therefore, had consumed some food which would tend to decrease the effects of the alcohol on the two men.

With respect to firing the weapon out of the car, there were spent shells on the floor of the automobile as well as one shell still lodged in the chamber of the weapon. Apparently, the gun had jammed and therefore, had not fired the last round. The Appellant even testified earlier that it was a fully loaded weapon prior to the events on the date in question and so it is reasonable to assume that the weapon had been fired a minimum of eight times. There was never a discussion of the weapon having been fired and a second clip of bullets been inserted into the weapon.

At any rate, the argument that they had fired weapons only at beer cans up in Big Tujunga Canyon and endangered no one was not persuasive. Clearly, they were not thinking that they had beer in the car, that there were spent shells on the floor of the car, that the Appellant's left hand was wounded possibly from the slide action of the semi-automatic weapon. All these factors taken into consideration caused this Hearing Examiner to believe in fact there was gunfire and that the gun had been discharged while in the car and not just at Big Tujunga Canyon, but on the roadway leading to that canyon. The one fact not discussed by either side concerns firing a weapon into the

air: Those rounds go up, but then come down and endanger anyone in the vicinity of those discharged rounds.

With respect to the use of profanity toward the arresting officers and toward the other officers at the station, the preponderance of the evidence suggests that the Appellant was the primary person involved in directing profanity specifically at Officer [redacted] and to some limited extent at her partner. There isn't enough evidence to know that either 1) handcuffs were on too tightly or 2) [redacted] put her knee on his back in such a way as to cause his nose to bleed. But whatever happened to the Appellant, it was primarily his own behavior which generated a reaction from the police to cause the current condition with respect to his bloody nose. For all these reasons, the Appellant did violate Department Policy, County Rules and Regulations, and for those reasons the discipline is proper and appropriate.

FINDINGS OF FACT

1. At all times relevant, the Appellant was a Deputy Sheriff with the Respondent Department.
2. At all times relevant, on or about January 24, 2001, the Appellant was at the Nokia Theatre drinking heavily with his friend and became extremely intoxicated.
3. At all times relevant, the Appellant allowed his friend, who was also highly intoxicated to drive his G35 Infiniti.
4. At all times relevant, the Appellant did go to a location near Tujunga and was shooting his off duty service revolver at some beer cans.
5. At all times relevant, the Appellant became argumentative with the LAPD officers who arrested him.
6. At all times relevant, the Appellant used significant amount of profanity toward the arresting officers in the field and at the sheriff substation.

CONCLUSIONS OF LAW

1. By a preponderance of the evidence, the Appellant did break the law when he allowed his friend who was also intoxicated to drive his vehicle back to the Big Tujunga Canyon area.
2. By a preponderance of the evidence, it was established that the Appellant did drive down the street shooting his off duty weapon out of the sunroof of his automobile.
3. By a preponderance of the evidence, it was established that the Appellant initially failed to cooperate with the LAPD officers who approached him while he sat in his parked vehicle.

4. By a preponderance of the evidence, the Appellant used a significant amount of profanity toward the LAPD officers at the scene as well as in the station house.
5. By a preponderance of the evidence, the Appellant failed to behave in a manner consistent with and expected of sworn personnel for the Department.
6. By a preponderance of the evidence, it was not established that the Appellant was wrongly treated by LAPD officers and that they "roughed him up" and caused his nosebleed was not persuasive and subsequently disregarded by this Hearing Examiner.

DECISION

The evidence and testimony in this matter have clearly established that the Appellant was intoxicated well beyond his ability to handle himself safely. Because of that condition, whether because he was celebrating the getting off of training or some other milestone in his life, the discharge of his weapon is a clear violation of any of the laws of the local community as well as the policies and principles of the Sheriff's Department. Such behavior in and of itself were grounds for dismissal.

Pursuant to the Civil Service Commission and their questions with respect to this case, the issue of:

1. The allegations contained in the Department's Letter of Imposition dated April 14, 2011 are true, and if any or all are true, the discipline in this case appropriate.
2. The discharge of the Appellant is appropriate and should be sustained.

Respectfully submitted,

6/23/12
Date

Walter R. Norwood, PhD
Hearing Examiner

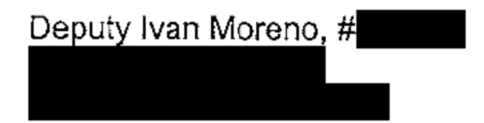


County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

April 14, 2011

Deputy Ivan Moreno, #[redacted]

[redacted]

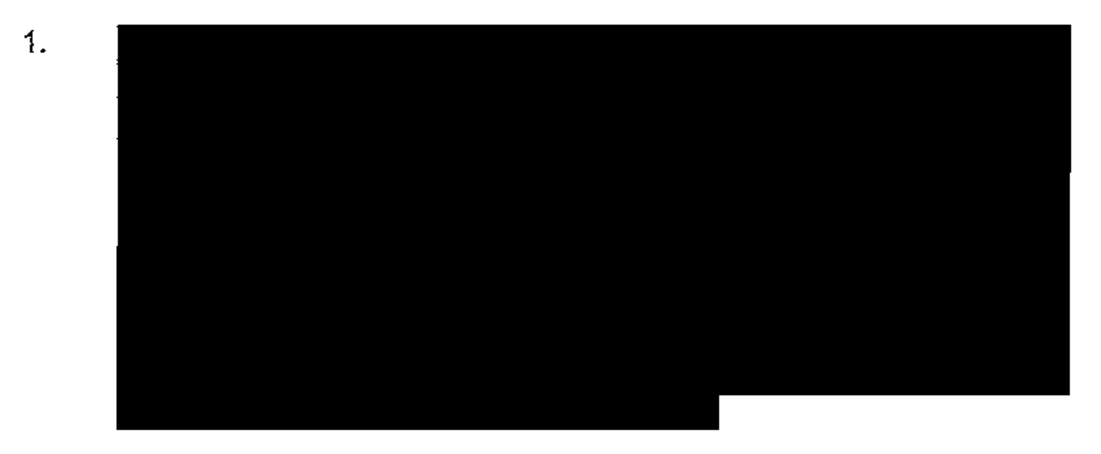
Dear Deputy Moreno:

On March 9, 2011, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2238125. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, your Division Chief determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on April 12, 2011.

An investigation under File Number IAB 2238125, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. 
[redacted]

2. [redacted]

[redacted] [redacted]

[redacted] [redacted]

[redacted] [redacted]

[redacted] [redacted]

[redacted]

3. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about November 4, 2010, during your subject interview, you made false and/or misleading statements to investigators, including but not limited to:

   a) that it was not your firearm that was discharged from the area of Mt. Gleason and Foothill Boulevard, and/or;

   b) that you did not use profanity and/or direct any obscenities toward the officers, and/or;

   c) that you did not make the statement, "The next time I'm going to fuck you up and you too," and/or;

   d) that when the officers asked you to step out of their vehicle, you did not say to the officers, "Fuck you, you're going to have to pull me out," and/or;

   e) that you did not discharge your firearm from inside the car through the sunroof of the vehicle, and/or;

   f) that you did not tell the LAPD officer that your friend [redacted] shot off some rounds through the sunroof of your vehicle, and/or;

   g) that LAPD's report was factually inaccurate.

4. 
[redacted]

Even given your version of events concerning this incident, that you drove to the Big Tujunga Canyon on January 24, 2009, and fired your off-duty weapon at some beer cans in a remote area of the canyon, your conduct warrants termination of your employment with

the Los Angeles County Sheriff's Department, as evidenced by, but not limited to, the following sections of the Manual of Policy and Procedures:

1. [redacted]

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

PAUL K. TANAKA
ASSISTANT SHERIFF

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

PKT:RAA:JMG:jp

c: Advocacy Unit
Neal B. Tyler, Chief, Field Operations Region I
Henry M. Romero, Captain, East Los Angeles Station
Internal Affairs Bureau
Office of Independent Review (OIR)
Kevin E. Hebert, Captain, Personnel Administration